THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No. 20261 of 2005

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Dated: 27.03.2006

Between:

A. Jeevan Reddy, S/o Linga Reddy, R/o Narsapur, Dilawarpur

Mandal, Adilabad District.

..... PETITIONER

AND

The A.P.S.R.T.C., Rep by its Chairman,
Musheerabad, Hyderabad and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No. 20261 of 2005

Order:

The present writ petition is filed questioning the proceedings No.Ec/118(8)/2001-PD.1, dated 29.05.2002 issued by the Vice- Chairman and Managing Director-respondent No.2 imposing the punishment of deferment of annual increment for a period of two years with cumulative effect and treating the period of suspension as "not on duty" for the purpose of leave and wages, and the proceedings No. Ec/785(3)/2005-PD, dated 26.07.2005 of the Chairman-respondent No.1 rejecting the appeal filed by the petitioner.

The petitioner, who is working as a Depot Manager in APSRTC, was charge

sheeted and was placed under suspension, by order dated 24.09.2001, alleging that he, without verifying the tenders called for during December 2000 for allotment of cycle stand at Adilabad Bus Station, wherein one Sampath quoted licence fee of Rs.4,800/- per month and subsequently agreed to enhance the same to Rs.4,900/- per month, allotted the said cycle stand on nomination basis to one P. Rajamouli for licence fee of Rs.2,750/- per month, resulted in pecuniary loss to the Corporation. After conducting a regular enquiry and considering the explanation submitted by the petitioner, respondent No.2, vide proceedings dated 22.04.2002, imposed the punishment of deferment of annual increment for a period of two years with cumulative effect and treating the period of suspension as “not on duty” for the purpose of leave and wages. Aggrieved by the said orders, the petitioner preferred an appeal before the Chairman, APSRTC-respondent No.1, which was rejected by order, dated 26.07.2005. Hence, the present writ petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-Corporation.

Learned counsel for the petitioner submitted that the petitioner is not a member of the Tender Nomination Committee and he is not aware of the earlier tender filed by one Sampath quoting licence fee of Rs.4,800/- per month, and rejection thereof, and allotment of cycle stand to P. Rajamouli was based on the oral instructions of the Divisional Manager as well as the Regional Manager on 05.02.2001. He submits that the punishment imposed against the petitioner is not commensurate with the proved misconduct.

In the present writ petition the petitioner did not challenge the enquiry proceedings and the only question remains to be answered is whether the proved misconduct is disproportionate to the punishment imposed. The petitioner was charge sheeted on the ground that he, without verifying that one Sampath quoted Rs.4,800/- per month for allotment of cycle stand at Adilabad Bus Station, allotted the said cycle stand on nomination basis to one
P. Rajamouli for licence fee of Rs.2,750/- per month which resulted in pecuniary loss to the Corporation, and that having not satisfied with the explanation offered by the petitioner to the show cause notice issued by respondent No.2, a regular enquiry was ordered, wherein the charges leveled against the petitioner were proved and based on the report of the enquiry officer, a show cause notice was issued to the

petitioner and after considering his explanation, respondent No.2 imposed a penalty of withholding annual increment for a period of two years with cumulative effect besides treating the suspension period as not on duty for the purpose of leave and wages, which was also confirmed by the appellate authority, and no exception can be taken thereto, more so having regard to the judgment of the apex Court in ***Regional Manager, Rajasthan SRTC v. Sohan Lal***, wherein it was held that it is not within the normal jurisdiction of the superior courts to interfere with the quantum of sentence imposed by the disciplinary authority, unless it is shown that the sentence imposed is wholly disproportionate to the misconduct proved. The petitioner has not made out any ground to show that the punishment imposed by the disciplinary authority is disproportionate to the proved misconduct.

There is no merit in the writ petition and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: 27.03.2006

Nsr/Ksr